

O 440 (Rev. 08/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

JEFFREY M. JASKOL and STACEY J. JASKOL
Individually and On Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN, and
GRANT THORNTON LLP,

SUMMONS IN A CIVIL CASE

Case Number: 05-268

TO: Thomas D. Davis
XYBERNAUT CORPORATION
c/o The Prentice-Hall Corporation System, Inc.
2711 Centerville Road, Suite 400
Wilmington, DE 19808

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Seth D. Rigrodsky (DSBA #3147)
Ralph N. Sianni (DSBA #4151)
Brian D. Long (DSBA # 4347)
MILBERG WEISS BERSHAD & SCHULMAN LLP
919 N. Market St., Suite 411
Wilmington, DE 19801
Telephone: (302) 984-0597; Facsimile: (302) 984-0870

an answer to the complaint which is served on you with this summons, within **twenty (20)** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

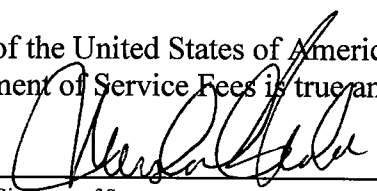
CLERK

DATE

5/4/03


(BY) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE <u>5-5-5</u>	
NAME OF SERVER (PRINT) <u>Marsha Malone</u>	TITLE <u>Process Server</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input checked="" type="checkbox"/> Other (specify): <u>served Mary Drummond at Registered agent</u> <u>Cooperation Service Corp 2711 Centerville Rd</u> <u>Wilmington DE 19808</u>		
STATEMENT OF SERVICE FEES		
Travel	Services	Total
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>5-5-5</u> <div style="text-align: center;">Date</div>	<div style="text-align: center;">  Signature of Server </div> <div style="text-align: center;"> <u>4 E 7th St Wilmington DE</u> <u>19801</u> Address of Server </div>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.